STATUTORY RULES OF NORTHERN IRELAND

2013 No. 73

HEALTH AND PERSONAL SOCIAL SERVICES

The Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*15th March 2013*
Coming into operation	*1st April 2013*

The Department of Health, Social Services and Public Safety, with the consent of the Department of Finance and Personnel, makes the following Regulations in exercise of the powers conferred by Articles 12(1) and (2), 14(1), (2) and (3) of, and Schedule 3 to, the Superannuation (Northern Ireland) Order 1972(**1**).

In accordance with Article 12(4) of that Order, the Department has consulted with representatives of persons likely to be affected by these Regulations, as appeared to the Department to be appropriate.

PART 1

Introductory

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Health and Personal Social Services (Superannuation), Health and Social Care (Pension Scheme) (Amendment) Regulations (Northern Ireland) 2013.

(2) These Regulations come into operation on 1st April 2013, and save as provided in paragraph (3), shall have effect from that date.

(3) The following regulations shall have effect from 1st February 2013—

(a) regulation 3 to 5;

(b) regulations 9 to 11; and

(c) regulations 14 to 16 (except paragraph (6)).

(**1**) 1972/1073 (N.I. 10) as amended by S.I. 1990/1509 (N.I. 13); 1993 c.49 (N.I.) and S.I. 2002/1555

PART 2

Amendment of the Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995

2. The Health and Personal Social Services (Superannuation) Regulations (Northern Ireland) 1995(**2**) are amended as provided by regulations 3 to 7.

Amendment of regulation 2

3.—(1) Regulation 2 (Interpretation) is amended as provided by paragraphs (2) to (5).

(2) After the definition of "the 2004 Act" insert—

""the 2008 Act" means the Pensions (No.2) Act (Northern Ireland) 2008(**3**);".

(3) After the definition of "the 2008 Section" insert—

""the 2010 Regulations" means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(**4**);".

(4) After the definition of "assistant practitioner" insert—

""automatic enrolment date" means the date referred to in section 3(7) of the 2008 Act;

"automatic re-enrolment date" means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14(**5**) of those Regulations);".

(5) For the definition of "pay period", substitute—

""pay period" means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;".

Amendment of regulation 6

4. In regulation 6 (Membership of this Section of the Scheme), for paragraph (2) substitute—

"(2) Subject to paragraph (3), each eligible person will be included in this Section of the scheme—

(a) automatically on commencing HSC employment;

(b) where the person has previously opted out of this Section of the scheme, on the date determined under paragraph (5) of regulation 9 where that paragraph applies: this is subject to regulation 9(6);

(c) subject to regulation 9(6), where the person has previously opted out of this Section of the scheme and is a person to whom section 3 or section 5 of the 2008 Act applies—

(i) on that person's automatic enrolment date, or

(ii) on that person's automatic re-enrolment date, except where the notice referred to in regulation 9(1) was given within the 12 months immediately preceding that date.".

(**2**) S.R. 1995 No.95 as amended by S.R. 1997 Nos.217 and 390; S.R. 1998 No.299; S.R. 1999 No.293; S.R. 2002 No.69; S.R. 2004 Nos.103 and 104; S.R. 2005 Nos.155, 533, 534 and 565; S.R. 2006 Nos.159 and 410; S.R. 2008 Nos.96, 130 and 163; S.R. 2009 Nos.65 and 188; S.R. 2010 Nos.22, 286 and 420; S.R. 2011 No.256; S.R. 2012 Nos.42 and 78

(**3**) 2008 c.13 (NI)

(**4**) S.R. 2010 No.122

(**5**) Regulation 14 was substituted by S.R. 2012 No.232, regulation 2(7) and (8)

Amendment of regulation 9

5.—(1) Regulation 9 (Opting out of this Section of the Scheme)(**6**) is amended as provided by paragraphs (2) to (8).

(2) Omit paragraphs (1A) to (1C).

(3) For paragraph (2), substitute—

"(2) A notice referred to in paragraph (1) shall take effect—

(a) from the first day of the pay period immediately following its receipt by the employing authority; or

(b) where a later date is specified in the notice, from the first day of the pay period following the pay period in which the specified date falls.".

(4) For paragraph (3), substitute—

"(3) A person who opts out of this Section of the scheme under paragraph (1) within one month of the date of commencing HSC employment shall be treated as never having been included in this Section of the scheme in respect of that opt out and, if applicable, any contributions made by, or on behalf of, that person for the period before the opt out took effect must be refunded.".

(5) For paragraph (4), substitute—

"(4) A notice under paragraph (1) shall cease to have effect on the day immediately preceding, as the case may be, the persons—

(a) automatic enrolment date; or

(b) automatic re-enrolment date: this does not apply where the notice was given within the 12 months immediately preceding that date.".

(6) Omit paragraph (5A).

(7) For paragraph (6), substitute—

"(6) A person who has opted out may not become a member of this Section of the scheme during any period of absence from work for any reason.".

(8) After paragraph (7), add—

"(8) This regulation does not apply to a person to whom sections 3, 5 or 8 of the 2008 Act(**7**) and regulations 9 or 15 of the 2010 Regulations(**8**) applies (that is, a person who is subject to automatic enrolment or automatic re-enrolment in this Section of the scheme as a qualifying scheme who does not wish to participate in it): this paragraph does not affect the rights of such a person who subsequently becomes a member of this Section of the scheme in circumstances where those provisions of the 2008 Act and 2010 Regulations do not apply.".

Amendment of regulation 10

6. In regulation 10 (Contributions by members)(**9**), for the table in paragraph (1A) substitute—

(**6**) Regulation 9 was amended by S.R. 2005 No.565

(**7**) Section 3 makes provision for the automatic enrolment of a qualifying worker into a qualifying scheme like the HSC Pension Scheme. Section 5 makes provision for the automatic re-enrolment of such a person into such a scheme who has previously opted out of it. Section 8 makes provision for the opting out of such a scheme, including the effect of such an opt out.

(**8**) Regulation 9 sets out the requirements for a valid opt out notice and the time period during which a person who has been automatically enrolled into a qualifying scheme may not opt out of it. Regulation 15 applies the provisions of regulation 9 to a person who has been automatically re-enrolled into a qualifying scheme having previously opted out of it. Note that regulation 11 deals with the refund of contributions following an opt out.

(**9**) Paragraph (1A) was substituted by S.R. 2009 No.188 regulation 4; S.R. 2010 No.420 regulation 3(2) and S.R. 2012 No.78 regulation 4(2)

"**Scheme Year 2013-2014**

Column 1	*Column 2*
Superannuable Pay band	*Contribution percentage rate*
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%".

Amendment of Schedule 2

7. In paragraph 10 of Schedule 2 (Contributions to this Section of the scheme)(**10**), for sub-paragraph (1A)(**11**) substitute—

"(1A) For the purposes of this paragraph, the "relevant table" means—

(a) in respect of the 2012-2013 scheme year, Table 1;

(b) in respect of the 2013-2014 scheme year, Table 2.

Table 1

Scheme Year 2012-13

Column 1	*Column 2*
Superannuable earnings band	*Contribution percentage rate*
Up to £21,175	5%
£21,176 to £26,557	6.5%
£26,558 to £48,982	8%
£48,983 to £69,931	8.9%
£69,932 to £110,273	9.9%
£110,274 to any higher amount	10.9%

(**10**) Paragraph 10 was substituted by S.R. 2005 No.565 regulation 12(7) and amended by S.R. 2009 No.65 regulation 20(4); S.R. 2009 No.188 regulation 11(2); S.R. 2010 No.22 Schedule 1, paragraph 1(b); S.R. 2010 No. 420 regulation 8; S.R. 2012 No.42 regulation 10(2) and S.R. 2012 No.78 regulation 8

(**11**) Sub-paragraph (1A) was inserted by S.R. 2010 No.420 regulation 8 and substituted by S.R. 2012 No.78 regulation 8

Table 2

Scheme Year 2013-2014

Column 1 *Superannuable Pay band*	*Column 2* *Contribution percentage rate*
Up to £15,278	5%
£15,279 to £21,175	5.3%
£21,176 to £26,557	6.8%
£26,558 to £48,982	9%
£48,983 to £69,931	11.3%
£69,932 to £110,273	12.3%
£110,274 to any higher amount	13.3%".

PART 3

Amendment of the Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008

8. The Health and Social Care (Pension Scheme) Regulations (Northern Ireland) 2008(**12**) are amended as provided by regulations 9 to 17.

Amendment of regulation 6

9.—(1) Regulation 6 (Interpretation: general) is amended as provided by paragraphs (2) to (5).

(2) After the definition of "the 2004 Order" insert—

""the 2008 Act" means the Pensions (No.2) Act (Northern Ireland) 2008(**13**);".

(3) After the definition of "2008 Section Optant" insert—

""the 2010 Regulations" means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations (Northern Ireland) 2010(**14**);".

(4) After the definition of "assistant medical practitioner" insert—

""automatic enrolment date" means the date referred to in section 3(7) of the 2008 Act;

"automatic re-enrolment date" means the date determined in accordance with regulation 12 of the 2010 Regulations (as modified by regulation 14(**15**) of those regulations);".

(5) For the definition of "pay period", substitute—

""pay period" means, in relation to members who receive either salary, wages or other regular payments under a contract of employment or a contract for services, the period in respect of which each payment is made in accordance with the terms of that contract;".

(**12**) S.R. 2008 No.256 as amended by S.R. 2009 Nos. 65 and 188; S.R. 2010 Nos. 22, 286 and 420; S.R. 2011 No.256; S.R. 2012 No.42
(**13**) 2008 c.13 (N.I.)
(**14**) S.R. 2010 No.122
(**15**) Regulation 14 was substituted by S.R. 2012 No.232, regulation 2(7) and (8)